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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,606	03/16/2000	Robert S. Mancini	3499-59	1911

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EXAMINER

BASHORE, ALAIN L

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/526,606

Applicant(s)

MANCINI ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-36 is/are rejected.
- 7) ☒ Claim(s) 1-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Objections

1. Claims 1-36 are objected to because of the following informalities:
no claim 22 is presented. Applicant is required to correctly re-number all claims in response to this office action. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. Claims 20-21 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter as presently claimed. In particular, the claimed "computer data signal" at the beginning of the preamble does not appear to fall in a recognized class of invention when the limitations within the body of the claim are method steps. Claim 21 is rejected as being dependant thereon.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 20-21, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 20-21 and 35 are confusing because while the independent claims recite non-statutory subject matter, at the end of the preamble, there is recited "a method comprising the steps of". If a method is being claimed, the beginning of the preamble must be amended accordingly. Claim 21 is rejected as being dependant to claim 20.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-12, 15-21, 23-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (621) in view of Vandebelt et al.

Boesch et al discloses a computer-implemented method, system, a computer executable code residing on a computer-readable medium, and a method of generating a computer data signal, all for providing risk management for online transactions on a computerized communications network (col 2, lines 62-67; col 3, lines 1-41). Executable software is stored on a server via the network. Data descriptive of a transaction involving the foreign currency is received wherein the transaction occurred within a predetermined time period

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where there is shown in both local and seller's currency . Currency is exchanged according to the entered price and data is received descriptive of the transaction (col 8, lines 35-53). Re-denomination of currency occurs regarding the method to

Garber.

Boesch et al. discloses a transaction as a sale on an e-commerce site, where the transaction may be between a business and a retail customer. The transaction is not precluded from being a business-to-business transaction. The transaction may additionally comprise aggregating transaction amounts where the size of the aggregate amount may be limited (col 8, lines 49-53). There is calculated an expected average amount of base and foreign currency to exchange and entering a agreement at the end of a predetermined time period (col 8, lines 24-25). Bids may be received in an online auction and posted online each bid in a local currency and a seller's currency (col 11, lines 38-54). Risk of exposure is determined (col 2, lines 17-38). It is the examiner's position that the reference inherently includes a "need" that is entered into a "transaction forum".

It would have been obvious to one with ordinary skill to include the transaction within a brick and mortar retail setting to Boesch et al because Boesch et al teaches obtain information from such a setting (col 8, lines 46).

Boesch et al does not inherently disclose:

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entering an exchange rate for a foreign currency entered into a computer as the foreign currency relates to a base currency; and
exchanging currency according to the entered price.

Vandenbelt et al discloses entering an exchange rate for a foreign currency is inherently entered into the computer as the foreign currency relates to a base currency and exchanging currency according to the entered price (col 2, lines 15-60).

It would have been obvious to one with ordinary skill in the art to modify Boesch et al to include entering an exchange rate for a foreign currency is inherently entered into the computer as the foreign currency relates to a base currency and exchanging currency according to the entered price because of what is taught by both Boesch et al and Vandenbelt et al. Boesch et al and Vandebelt et al both teach calculating currency conversions using exchange rates.

7. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (621) in view of Vandenbelt et al as applied to claims 1-3, 6-7, 9-27, 29-30, 32-36 above and further in view of Garber.

Boesch et al (621) in view of Vandenbelt et al does not explicitly disclose spot price considerations.

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Garber discloses spot price considerations regarding foreign currency (col 2, lines 17-63).

It would have been obvious to one with ordinary skill in the art to include spot price considerations to Boesch et al (621) in view of Vandebelt et al because Garber teaches risk in currency transactions (col3, lines 19-37).

Conclusion

8. Applicant's arguments with respect to claim of record have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues the right to claim a data signal per se. The problem with the current claim language for claims 20-21 and 35 is that the claims are not clear as to what is being claimed. If applicant desires to claim a signal, then the attributes of the signal must be claimed, if applicant desires to claim a method of producing a signal, then the method of producing that signal should be claimed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore
August 12, 2002



VINCENT MILLIN
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